

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

DEBORAH WALTON,)	
)	
Plaintiff,)	
)	
v.)	No. 1:21-cv-00365-JPH-TAB
)	
BMO HARRIS BANK N.A.,)	
EQUIFAX INC.,)	
TRANS UNION,)	
)	
Defendants.)	

ORDER

Plaintiff, Deborah Walton, has filed a motion for judgment on the pleadings against Defendant Equifax, Inc. Dkt. 60. In support, she argues that she served Equifax with her amended complaint, yet they have not responded. *Id.* at 1. Those facts may support an entry of default. *See* Fed. R. Civ. P. 55(a) ("When a party . . . has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party's default."). But [w]hen a plaintiff moves for judgment on the pleadings, the motion should not be granted unless it appears beyond doubt that the nonmovant cannot prove facts sufficient to support its position, and that the plaintiff is entitled to relief." *Scottsdale Ins. Co. v. Columbia Ins. Grp., Inc.*, 972 F.3d 915, 919 (7th Cir. 2020).

Here, Ms. Walton's motion does not address which facts in her complaint entitle her "beyond doubt" to a judgment in her favor on the merits. *Id.*; *see*

dkt. 60. The motion for judgment on the pleadings is therefore **DENIED**
without prejudice.

SO ORDERED.

Date: 7/23/2021



James Patrick Hanlon
United States District Judge
Southern District of Indiana

Distribution:

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